

HOUSE BILL 1732

By Hulsey

AN ACT to amend Tennessee Code Annotated, Title 8, Chapter 10; Title 8, Chapter 47 and Title 16, relative to constables.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 8, Chapter 10, Part 1, is amended by adding the following as a new section:

(a) A constable elected under this part 1 who is under indictment for or who has been formally charged with a crime must be immediately placed on administrative leave by order of a criminal court judge.

(b) A criminal court judge:

(1) Shall hold a constable in criminal contempt who does not comply with an order issued under subsection (a) before the order is lifted, terminated, or overturned; and

(2) May suspend a constable for unethical conduct or conduct unbecoming of a constable.

(c) Upon conviction of a crime, a constable may be removed from office by order of a criminal court judge or by ouster in accordance with title 8, chapter 47.

(d) A criminal court judge may only take action under this section after providing a constable with notice and a hearing. The constable is entitled to legal representation in a proceeding held under this section.

(e) A constable may appeal the decision of a criminal court judge made under this section to the court of criminal appeals.

SECTION 2. Tennessee Code Annotated, Section 16-5-108(a), is amended by adding the following new subdivision ():

() Appeals from constables from decisions under SECTION 1.

SECTION 3. This act takes effect upon becoming a law, the public welfare requiring it.